

Serial No.: 10/030,474
Inventor/s: LEIBER, J. et al.
Title: DATA STORAGE MEDIUM

C#/M#: 35-224

Atty: Michael J. Shea

Date: March 16, 2004

**Address Indication Form**

\$ Fee (Check) - Pre-Bill

\$ Fee (Check) - Non Pre-Bill

\$0.00 Total Fee Enclosed

**Other: Information Disclosure Statement
w/ PTO-1449 and cited references**



11

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

LEIBER, J. et al.

Atty. Ref.: 35-224

Serial No. 10/030,474

Group: 2652

Filed: February 20, 2002

Examiner: W. Klimowicz

For: DATA STORAGE MEDIUM

* * * * *

March 16, 2004

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

INFORMATION DISCLOSURE STATEMENT

Listed on accompanying Form PTO-1449 are documents that may be considered material to the examination of this application, in compliance with the duty of disclosure requirements of 37 C.F.R. §§ 1.56, 1.97 and 1.98.

In the office action dated December 8, 2003, the Examiner indicated that the documents submitted in the Information Disclosure Statement of February 20, 2002 were not considered because no concise explanation of relevance was provided. These documents were introduced during the proceedings for the counterpart German application and concise explanations are provided below.

The "CHIP" document is an excerpt from a popular German computer journal published in August or September 1998. It summarizes the original work in this area and roughly corresponds to USP 6,386,458 which is already of record. The document shows a picture of a roller of "tesafilm", a German product which is similar to transparent Scotch tape. The product includes a winding core.

The "Optimem" document is an internet download obtained by the German examiner, and it is not clear that this document is in fact prior art. In any event, with respect to the winding core, this document does not disclose anything more than documents already considered.

Applicants reserve the right to establish the patentability of the claimed invention over any of the information provided herewith, and/or to prove that this information may not be prior art, and/or to prove that this information may not be enabling for the teachings purportedly

LEIBER, J. et al.
Serial No. 10/030,474

This statement should not be construed as a representation that a search has been made, or that information more material to the examination of the present patent application does not exist. The Examiner is specifically requested not to rely solely on the material submitted herewith. It is further understood that the Examiner will consider information that had been cited by or submitted to the U.S. Patent and Trademark Office in a prior application relied on under 35 U.S.C. § 120. 1138 OG 37, 38 (May 19, 1992).

Because these documents were previously submitted, no fee is believed to be required. Nonetheless, should the United States Patent and Trademark Office determine that a fee is required, please charge such fee to our Deposit Account No. 14-1140 referencing docket number 35-224.

It is respectfully requested that the Examiner initial and return a copy of the enclosed PTO-1449, and to indicate in the official file wrapper of this patent application that the documents have been considered.

Respectfully submitted,

NIXON & VANDERHYE P.C.

By: 

Michael J. Shea
Reg. No. 34,725

MJS:dbp
1100 North Glebe Road, 8th Floor
Arlington, VA 22201-4714
Telephone: (703) 816-4000
Facsimile: (703) 816-4100